IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

OP.No. 20368 of 1999(Y)

PETITIONER:

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1. M.MANIKANTAN
   AGED 54, S/O. MADHAVAN
   KUNDATHUKONATHU PUTHEN VEEDU
   PLAMOODU, PATTOM P.O.
   THIRUVANANTHAPURAM-4.

2. V. MADHUSOODANAN
   AGED 30, S/O. VELAYUDHAN
   THENGUM MUDIMBIL VEEDU
   THURUVICKAL P.O., MEDICAL COLLEGE,
   THIRUVANANTHAPURAM-11.

BY ADV. SRI.BECHU KURIAN THOMAS
SRI.PRAKASH PUTHIADAM
SRI.S.V.RAJAN
SRI.S.K.ANILKUMAR

RESPONDENTS:

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1. UNION OF INDIA, REP. BY THE SECRETARY
   MINISTRY OF SURFACE TRANSPORT NEW DELHI.

2. STATE OF KERALA, REP. BY THE CHIEF SECRETARY
   SECRETARIAT, THIRUVANANTHAPURAM

3. THE THIRUVANANTHAPURAM DEVELOPMENT AUTHORITY
   REP. BY ITS SECRETARY, OFFICE OF THE THIRUVANANTHAPURAM
   DEVELOPMENT AUTHORITY, THIRUVANANTHAPURAM-14

4. THE CHIEF TOWN PLANNER, THIRUVANANTHAPURAM-33

5. THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM

6. THE SECRETARY, LOCAL ADMINISTRATIVE DEPT.
   SECRETARIAT, THIRUVANANTHAPURAM

7. THE CHIEF ENGINEER, NATIONAL HIGHWAYS,
   THIRUVANANTHAPURAM

8. THE SECRETARY, PUBLIC WORKS AND TRANSPORT (D) DEPT.
   SECRETARIAT, THIRUVANANTHAPURAM

9. RAJU GEORGE,
   S/O. K.J. GEORGE, CRA-A11
   KARUKATHARA BUILDINGS, PLAMOODU, PATTOM P.O.
   THIRUVANANTHAPURAM-4

10. BABU JOSEPH
    ADDL. PROIVATE SECRETARY TO MINISTER FOR
    PUBLIC WORKS DEPT., SECRETARIAT
    KERALA STATE, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. BENJAMIN PAUL
ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.S.P.ARAVINDAKSHAN PILLAY
SRI.PIRAPPANCODE V.S.SUDHIR
SRI.A.SUDHI VASUDEVAN
SRI.JAYAPRADEEP. V., ADDL.CGSC

THIS ORIGINAL PETITION HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

O.P. NO. 20368 OF 1999

Dated this the 5th day of September, 2007

J U D G M E N T

The prayer in this Original Petition is to declare that the 1st respondent is bound to implement the Town Planning Scheme sanctioned as per Ext.P1 order. There is a further prayer to quash Ext.P3 notification modifying Ext.P1 Town Planning Scheme. From the counter affidavit filed in this writ petition it is evident that it is on the basis of public demand that Ext.P1 Scheme was revised and Ext.P3 is the revised scheme. Petitioners have not succeeded in showing that Ext.P3 is vitiated on account of the violation of any of the provisions of the Town Planning Act. Thus Ext.P1 has undergone variation as per Ext.P3 and therefore Ext.P1 cannot be directed to be implemented.

In the result, the original petition lacks merit and the petitioners are not entitled to any of the reliefs sought for in this original petition.

The original petition is accordingly dismissed.

ANTONY DOMINIC, JUDGE

vps

ANTONY DOMINIC, JUDGE

OP NO.20368/99

JUDGMENT

5th September, 2007